IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

LA.App..No. 655 of 2001()

LAR.441/1997 of PRINCIPAL SUB COURT,PARAVUR
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APPELLANTS:- CLAIMANTS

1. BHANUMATHY PILLAI, CHERUKARA VEETTIL,
RESIDING AT VALAPUZHAVEETTIL, KIZHAKKEPRAM.

2. VANAJAKSHI PILLAI, VALAPUZHAVEETTIL, KIZHAKKEPRAM.

3. KALADHARAN PILLAI, VALAPUZHAVEETTIL, KIZHAKKEPRAM.

4. UNNIKRISHNAN PILLAI, VALAPUZHAVEETTIL, KIZHAKKEPRAM.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS:

STATE OF KERALA REPRESENTED BY SPECIAL TAHSILDAR,
LAND ACQUISITION, NORTH PARAVUR.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KIRIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

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L.A.A. No. 655 of 2001 C

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Dated this the 19th June, 2007

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 441 of 1997 on the file of the Principal Sub Court, North Parur. The acquisition is for the purpose of NH 17. The 4(1) notification is dated 15-6-1993. The acquired property is in Parur-Cheriyappilly reach block No. VIII. The land acquisition officer fixed the land value at the rate of Rs.32,393/- per Are and the Reference Court enhanced the same by 10%. The appellants claimed land value at the rate of Rs.35,000/-. For the purpose of court fee the claim is limited to 50% of the enhancement of the value awarded by the land acquisition officer. It is the contention of the learned counsel for the appellants that the Reference Court has not properly appreciated the evidence adduced in the case. Learned Govt. Pleader on the other hand submits that the amount now fixed by the Reference Court is based on the evidence adduced on both sides. Though there is detailed discussion as to the location of the place and the distance from the town and also the distance from the property covered by the basic document,

we find that there is hardly any reference to Exts. A3 and A4 documents executed on 15-6-1992. There the sale consideration is at the rate of Rs.17,800/- per cent. There is no dispute that the acquired land is on the side of Parur-Varappuzha route. It is only around 12 KMs. to Cochin city. There are important institutions like Santhimadom Ayurvedic Clinc near to the acquired property. Learned Govt. Pleader points out that the property covered by the basic document is adjacent to an important junction - KMK Junction, in the heart of Parur town and the distance between the acquired property is around 3½ KMs. It is also submitted that the acquired property is not on the side of NH 17 at the time of acquisition but only on the side of Parur-Varappuzha road. The fact remains that the acquisition is for the purpose of NH 17. The acquired property is only half a kilometre from the southern extrimity of Parur Municipal area. We find from the judgment in L.A.A. No. 660 of 2001 filed against L.A.R. No. 439 of 1997 in respect of the property acquired in block No. VII that the land value fixed by this Court is Rs. 39,680/- per Are. In L.A.A. No. 220 of 2001 also we have fixed the land value at the rate of Rs.39,680/- per Are. It is significant to note that in those cases the land acquisition officer fixed the land value at the rate of

Rs.21,369/- per Are and the Reference Court had given an enhancement by 10%. It was in such circumstances, this Court fixed the land value at the rate of Rs.39,680/- per Are. In the instant case the land acquisition officer fixed the land value at the rate of Rs.32,393/- per Are and without any reference to Exts. A3 and A4 where the value would be more than Rs.40,000/- per Are, the Reference Court gave only 10% enhancement. On an overall assessment of the lie of the property, importance of the locality and the land value given in connected cases, we are of the view that it would be just, proper and reasonable to fix the market value at the rate of Rs.39,680/- per Are. Accordingly, the appeal is partly allowed. The appellants/claimants will be entitled to land value at the rate of Rs.39,680/- per Are and all the statutory benefits including interest on solatium.

KURIAN JOSEPH
JUDGE

T.R. RAMACHANDRAN NAIR
JUDGE

jan/-

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

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L.A.A. No. 655 of 2001 C

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J U D G M E N T

Dated : 19th June, 2007.